

SENATE BILL NO. 38

INTRODUCED BY SCHMIDT

A BILL FOR AN ACT ENTITLED: "AN ACT DOUBLING THE PENALTIES FOR VIOLATION OF SPECIAL SPEED LIMITS IMPOSED NEAR SCHOOLS; PROVIDING THAT A PORTION OF MONEY COLLECTED FROM THE FINES BE USED FOR TRAFFIC EDUCATION AND A PORTION BE USED FOR PURPOSES OF ERECTING SIGNS OR OTHER LAW ENFORCEMENT NEEDS; AND AMENDING SECTIONS 3-10-601, 46-17-402, AND 46-18-235, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Violating speed limit near school -- penalty doubled -- disposition of fines. (1) A person convicted of violating a special speed limit near a school imposed by a local authority pursuant to 61-8-310(1)(d) is guilty of a misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than double the penalty provided for the violation in 61-8-711.

(2) The fine proceeds must be allocated as follows:

(a) 50% of the fine collected must be distributed as provided in 3-10-601, 46-17-402, or 46-18-235; AND

(b) ~~25% must be forwarded to the department of revenue for deposit in the traffic education account established in 20-7-504; and~~

~~———(c) 25%~~ 50% must be forwarded to the local authority that adopted the special speed limit as provided in 61-8-310(1)(d) for the purposes of erecting signs providing notification of the penalty or for other local law enforcement needs.

Section 2. Section 3-10-601, MCA, is amended to read:

"3-10-601. Collection and disposition of fines, penalties, forfeitures, and fees. (1) Except as provided in [section 1] and 75-7-123, a justice's court shall collect the fees prescribed by law for justices' courts and shall pay them into the county treasury of the county in which the justice of the peace holds office, on or before the 10th day of each month, to be credited to the general fund of the county.

(2) Except as provided in [section 1], 75-7-123, and subsection (4) of this section, all fines, penalties, and forfeitures that are required to be imposed, collected, or paid in a justice's court must, for each calendar

month, be paid by the justice's court on or before the 5th day of the following month to the treasurer of the county in which the justice's court is situated, except that they may be distributed as provided in 44-12-206 if imposed, collected, or paid for a violation of Title 45, chapter 9 or 10.

(3) Except as provided in 46-18-236(7), [section 1], and 75-7-123, the county treasurer shall, as provided in 15-1-504, distribute money received under subsection (2) as follows:

(a) 50% to the department of revenue for deposit in the state general fund; and

(b) 50% to the county general fund.

(4) (a) The justice's court may contract with a private person or entity for the collection of any final judgment that requires a payment to the justice's court.

(b) In the event that a private person or entity is retained to collect a judgment, the justice's court may assign the judgment to the private person or entity and the private person or entity may, as an assignee, institute a suit or other lawful collection procedure and other postjudgment remedies in its own name.

(c) The justice's court may pay the private person or entity a reasonable fee for collecting the judgment. The fee incurred by the justice's court must be added to the judgment amount."

Section 3. Section 46-17-402, MCA, is amended to read:

"46-17-402. Fees and fines -- collection. (1) The fees and fines in municipal court must be the same as the fees and fines provided by law or ordinance, and except as provided in [section 1] and subsection (2) of this section, all fees and fines collected by the court must be paid into the city treasury.

(2) (a) The municipal court may contract with a private person or entity for the collection of any final judgment that requires a payment to the municipal court.

(b) In the event that a private person or entity is retained to collect a judgment, the municipal court may assign the judgment to the private person or entity and the private person or entity may, as an assignee, institute suit or other lawful collection procedure and other postjudgment remedies in its own name.

(c) The municipal court, after deducting the charges provided for in 46-18-236, may pay the private person or entity a reasonable fee for collecting the judgment."

Section 4. Section 46-18-235, MCA, is amended to read:

"46-18-235. Disposition of money collected as fines and costs. ~~The~~ Except as provided in [section 1], the money collected by a court as a result of the imposition of fines or assessment of costs under the

provisions of 46-18-231 and 46-18-232 must be paid:

(1) by the clerk of district court to:

(a) the department of revenue for deposit into the state general fund; or

(b) if the fine was imposed for a violation of Title 45, chapter 9 or 10, and at the court's discretion, the drug forfeiture account maintained under 44-12-206 for the law enforcement agency that made the arrest from which the conviction and fine arose; and

(2) by a justice's court pursuant to 3-10-601."

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

- END -